

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

UNITED STATES,

v.

DONALD FRANK,

Defendant.

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CRIMINAL INDICTMENT  
NO.: 1:10-CR-134-WSD-02

DEFENDANT DONALD FRANK'S  
PROPOSED VOIR DIRE QUESTIONS

COMES NOW Defendant, Donald Frank, by and through his undersigned counsel, and respectfully moves this Court, pursuant to Rule 24(a), Federal Rules of Criminal Procedure, to accept the following proposed questions to the panel of jurors and individual jurors on voir dire. Counsel respectfully requests that he be permitted to propound same:

1.

Has anyone ever worked in the convenience store business? If so, please explain.

2.

Please take a moment and look around the courtroom. Do you recognize any other perspective jurors in the venire?

3.

Has anyone in the courtroom ever worked for a law enforcement agency, department of corrections, probation, Immigrations and Customs Enforcement or Homeland Security or have you ever *applied for a job* in any of these areas?

4.

Have you ever received law enforcement training for employment with a police department or private security guard company? If so, briefly describe the nature of that training and the length of such training.

5.

Have you ever served in the military? If so, what branch? How long? What was your rank? What was your occupational specialty?

6.

Have you ever been a civilian employee of the U.S. government? If so, state the agency, period of employment, job title and duties.

7.

Have you or any member of your family ever worked for DeKalb County? If yes, please describe:

8.

Have you ever been a member of a grand jury? If yes, please explain when and where?

9.

Have you ever served on a trial jury before? If yes, indicate whether Civil or Criminal. If yes, were you the foreperson? Was the jury able to reach a verdict? What was the case about?

10.

Have you ever been a witness in a criminal proceeding? If yes, please describe the circumstances.

11.

Have you ever attended law school or received any legal training? If yes, please describe.

12.

Are you now or have you ever been in the active practice of law? If yes, please describe the nature of your practice.

13.

Has anyone in your family or a close friend ever worked in a lawyer's office? If yes, who, when and where? Identify the lawyer, the law firm and the type of legal specialty.

14.

Do any of you know someone in the U.S. Attorney's Office or the Federal Bureau of Investigation? Please identify who that is and your relationship.

15.

Do any of you know someone who is or has previously been a prosecutor or a criminal defense lawyer? Please identify who that is and your relationship.

16.

Has anyone ever worked for an insurance company as a fraud investigator or have any particular knowledge about such investigations? If yes, please describe.

17.

Have you ever worked in the area of auditing or compliance?

18.

How many of you know someone who has ever experienced problems with debt collectors calling or bothering them?

19.

Does anyone here have any knowledge about police procedures, such as how officers investigate crimes or take reports? If yes, please describe your knowledge.

20.

How many of you know of instances where police officers have resolved a situation or a dispute without making an arrest or issuing a citation? If yes, please tell us about that situation.

21.

Have you or any of your close relatives ever been charged with criminal violations of either state or federal law other than a minor traffic offense? If yes, please give details.

22.

Have you or any of your close relatives ever been the subject of an investigation by a local, state or federal governmental agency? If yes, please give details.

23.

Have you, a family member or a close friend ever been threatened with investigation, prosecution or legal difficulties? If yes, please describe.

24.

Have you ever personally known someone whom you believe was falsely accused of a crime? If yes, please give details.

25.

Have you ever had any experience with the legal system, favorable or unfavorable, that stands out in your mind?

26.

Have any of you had any dealings – good or bad – with DeKalb County Police, other than an uncontested traffic ticket? If yes, please give details about that.

27.

Do any of you hold any views about the DeKalb County Police Department or about police officers in general that might make you start the trial of this case favoring the government over Mr. Frank? If yes, please describe your views.

28.

How many of you believe that many police officers, given the opportunity, would solicit or accept a bribe?

29.

Have you ever been involved in, or close to, or affected by a situation in which a person has paid or received a “bribe” or “kickback” or there have been suspicions of this conduct?”

30.

Has anyone had any experiences that might cause you to be unfair in a case involving allegations of law enforcement corruption?

31.

Has anyone here ever reported any wrong-doing to authorities, even if this did not involve law enforcement? If yes, please describe.

32.

Have any of you ever accused someone or reported someone for dishonest practices or wrongdoing OR been accused yourself of something similar?

33.

Does your employer have a policy about employees accepting gifts from people or companies they do business with? If yes, do you believe that policy is too strict, too lenient or just about right?

34.

Has anyone here ever been placed in a bad spot because someone you trusted lied to you, manipulated you or misled you?

35.

Are you, your relatives or your close friends acquainted with or related to Donald Frank; Amin Budhwani; Imran Chaudhry; DeKalb County Police Officers Dan E. Oak, Antonio M. Edmondson, D. M. Mobley, T. M. White, W. Darren Durrett, Bradley Boyd, A. Tirado, or Samir Somani, Debora Johnston, Kenneth David Johnston, Joslyn Wedderburn.

36.

Are you, your relatives or your close friends acquainted with, employed by or related to the below-listed persons or firms? If yes, please describe.

The Defense Attorneys: Bruce H. Morris, with the firm of Finestone & Morris; Brian Steel, with the Steel Law Firm

Attorneys for the United States: Susan Coppedge; Christopher Bly

The U. S. District Judge: The Honorable William S. Duffey

In addition, do you, your relatives or your close friends know employees of any of the above-listed entities or firms? If yes, please describe.

37.

Are you acquainted with anyone known to be a friend or family member of the people listed in Question 36? If yes or maybe, please explain.

38.

Please select the appropriate category. Are you: \_\_\_\_\_ A citizen who was born in the United States, or born to a United States citizen, or \_\_\_\_\_ A naturalized citizen of the United States. If a naturalized citizen, where were you born? When did you come to the United States? When did you become a citizen?

39.

Does anyone believe you may have read or heard something about this case – from any source – before coming here today?

40.

If you were chosen as a juror, you would be instructed not to read or watch any possible news coverage of this case. You would also be told not to conduct any research on the internet related to this case. Is there anyone who believe you might have difficulty complying with those instructions?

41.

Does anyone, for any reason, think our laws or our criminal justice system is too easy or lenient on people accused of crimes?

42.

Does anyone hold any negative opinions about criminal defense attorneys?

43.

In a criminal case a defendant is not required to testify, and if the defendant does not testify, jurors are told not to draw any conclusions from that fact. Would you be able to follow that instruction and not hold anything against Mr. Frank if he does not testify?

44.

Is there anyone who feels that, because of the nature of the charges in the indictment, you would require Mr. Frank to present evidence proving his innocence?

45.

As you sit here now, is anyone leaning toward one side or the other in this case – either toward the government or toward Mr. Frank?



46.

How many of you feel that, solely because of the nature of the charges in the indictment, you could not be fair to Mr. Frank?

47.

Is there anything about the subject matter of this case, or the points covered in these questions I have asked that creates a doubt in your mind as to whether you could be a completely open minded juror in this particular case? If yes, please raise your hand.

48.

Is there any other reason that has not already been addressed by the questions asked that would make it difficult for you to serve as a juror in this case?

#### INDIVIDUAL QUESTIONS

Please provide the following information as to your personal background:

1.

What is your name?

2.

Where do you currently reside? Do you rent or are you buying your home?

3.

How long have you lived there?

4.

How long have you been a resident of the Northern District of Georgia?

5.

Where did you reside previously?

6.

How are you currently employed?

7.

How long have you been so employed?

8.

What was your previous employment?

9.

Please tell us about your job responsibilities?

10.

What is your educational background?

11.

Are you married?

12.

What is your spouse's occupation?

13.

Do you have children?

14.

Please state each child's sex, age and employment, if any.

15.

Do you belong to any social, fraternal or charitable organizations or clubs? If so, please name them and any office you may hold.

16.

Have you, any family member or close friend either been appointed to or run for election to political office? Please explain.

Respectfully submitted,

FINESTONE & MORRIS, LLP

/s/ Bruce H. Morris

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**CERTIFICATE OF SERVICE**

This is to certify that I have this day served counsel for Defendants with a copy of within and foregoing "DEFENDANT DONALD FRANK'S PROPOSED VOIR DIRE QUESTIONS" by electronic filing upon:

Christopher Bly, Esquire  
Susan Coppedge, Esquire  
Assistant United States Attorneys

This 28<sup>th</sup> day of February, 2011.

/s/ Bruce H. Morris

Bruce H. Morris